



# **TOWN OF ROCKPORT**

## **PERSONNEL REGULATIONS**

*Approved by the Personnel Board on April 9, 2001*

*Adopted by the Board of Selectmen on April 24, 2001*

*Amended by the Board of Selectmen on August 16, 2005; November 1, 2006*

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*The Town of Rockport and its employees and officials shall not discriminate against any person because of his/her race, sex, color, religious creed, national origin, ancestry, age, sexual orientation, handicap, disability, veteran's status, national guard/reserve unit obligations, or genetic information.*

### ARTICLE 1 – PERSONNEL BOARD

Section 1. In accordance with Chapter 5, Section 3 of the Rockport Code of By-laws, the Board of Selectmen shall appoint a Personnel Board (sometimes hereinafter referred to as “the Board”) composed of five (5) members appointed for staggered terms of three (3) years, so that the terms of no more than two members expire in any year. The terms shall begin on July 1<sup>st</sup>. Members of the Personnel Board shall be registered voters of the Town. No member of the Personnel Board shall be an employee of the Town. The members of the Board shall serve without compensation. Vacancies on the Personnel Board shall be filled by the Board of Selectmen for the balance of any unexpired term. All members of the Personnel Board shall continue in office until their successors have been appointed and qualified.

### ARTICLE 2 – DUTIES OF THE PERSONNEL BOARD

Section 1. The Board shall administer Chapter 5 of the Rockport Code of By-laws and these Regulations. The Board shall establish a personnel system and recommend changes to policies, procedures, and regulations to the Board of Selectmen.

Section 2. The Board shall maintain for all positions subject to the Regulations a written job description. Each job description shall include the primary responsibilities, general duties, and requirements for filling the position. The description shall not limit the authority of the department head to amend, increase, or reduce the responsibilities or duties of the position, but such changes shall be recorded in the job description.

Section 3. The Board shall have access to personnel records of all employees subject to these Regulations. Department heads shall furnish the Board with personnel information upon request.

Section 4. Job descriptions shall be reviewed periodically by the Board, by the department heads, and by the employees. At least once every three (3) years the Board shall compare all jobs subject to the Regulations with their job description. The Board may recommend such new jobs, reclassifications of existing jobs, and new rates, as it deems appropriate for adoption by formal amendment at Town Meeting.

Section 5. The Board shall periodically review the Regulations and may recommend to the Board of Selectmen such changes it deems appropriate to maintain a fair and equitable personnel program consistent with state and federal law.

Section 6. The Board shall review such matters pertaining to personnel policies and administration as shall be referred to it by the Board of Selectmen, the Town Administrator, or other responsible officials, and shall report and make recommendations to said persons or committees.

Section 7. The Board shall hear grievances in accordance with Article 20 for employees not covered by a collective bargaining agreement. All other grievances shall be adjudicated in accordance with the appropriate collective bargaining agreement.

Section 8. The Board shall administer the Sick Leave Fund. This is a sum included in the Personnel Board appropriation, which is used to pay substitutes for police, library workers and other employees who are out sick, when substitutes are required to maintain service.

Section 9. The Board shall meet once a month to review policies and shall annually in July meet to choose a chairperson. Three (3) members shall constitute a quorum for the transaction of business. The votes of the majority of the members of the Board present shall be necessary on any matter upon which it is authorized or requested to act.

Section 10. The Board shall make an annual report to the Town. It shall also make recommendations on any matter related to the Regulations and By-laws that it believes should be considered by the Board of Selectmen and the Town Meeting.

### ARTICLE 3 – APPLICATION

Section 1. These Regulations shall apply to all employees except:

- a) Elected and appointed officials listed on Schedules F, G and H, except the elected full-time position of Town Clerk, which is entitled to certain benefits.
- b) In the case where the provisions of a collective bargaining agreement made between the Town and the exclusive representative of a recognized union are in conflict with these regulations, the terms of the collective bargaining agreement shall control to the extent provided under Massachusetts General Laws Chapter 150E, § 7.

- c) Employees subject to employment contracts negotiated under Massachusetts General Laws, Chapter 41, §108N (town managers, town administrators, executive secretaries, etc.), Chapter 41, § 108O (police chiefs), Chapter 78, § 34 (library employees not subject to the collective bargaining law), and Chapter 71, §§ 41 and 43 (school superintendents and principals), unless their contract provides that these regulations shall apply.

#### ARTICLE 4 – MANAGEMENT RIGHTS

Section 1. The Town and its elected and appointed officials shall retain all power, authority, and prerogatives not expressly limited by these Regulations for the exercise of the regular and customary functions of municipal management and the provision of services. The rights of the Town include but are not limited to: the management and direction of employees; hiring, promoting, transferring, scheduling, assigning, retaining, and recalling employees; suspending, relieving, demoting, discharging, or taking disciplinary action against employees; and determining the means, methods, and personnel by which the Town operations are to be conducted.

Section 2. The Town shall protect the rights and duties of the employees as stated in these Regulations.

#### ARTICLE 5 – DEFINITIONS

Section 1. Probationary Employees. New employees who have been employed by the Town for less than six months.

Section 2. Full-time Employees. Employees who normally work at least the number of hours per week as specified in Article 7, Sections 2, 3, and 5, year round.

Section 3. Benefited Part-time Employees. Employees who work 20 or more hours per week, but less than full-time throughout the year, and who qualify for benefits.

Section 4. Part-time Employees. Employees who work less than twenty (20) hours per week throughout the year, and who do not qualify for benefits.

Section 5. Temporary Employees. Employees who work temporarily to replace regularly scheduled employees for a period of time during prolonged absences or transitions or to address an increased departmental workload for a period of time.

Section 6. Seasonal Employees. Employees who work a designated number of hours regularly but only during certain periods of the year.

Section 7. Emergency Employees. Employees employed in an actual emergency duly declared by the Board of Selectmen or other governmental official thereunto authorized by law for a period necessary to prevent interruption of Town services essential to the health, safety, and welfare of the people of the Town. The employment shall not exceed the duration of the actual emergency.

## ARTICLE 6 – TITLE OF POSITIONS

Section 1. The job titles in the Classification and Compensation shall be the official titles for all positions subject to the Regulations and shall be the only titles used in any administrative, personnel, and/or financial records. Personnel appointed or employed in any position subject to the provisions of these Regulations shall be paid under the official title of the job for the duties actually performed.

## ARTICLE 7 – HOURS OF EMPLOYMENT

Section 1. At the start of each fiscal year each department head shall file a work schedule with the Town Administrator, the Town Treasurer, the Town Accountant, and the Personnel Board showing the number of hours per day, days per week, and weeks per year that each employee covered by Regulations shall be expected to work. This schedule may be amended as needed by the department head or appointing authority, and no employee shall have any claim based upon the work schedule.

Section 2. Labor Personnel. The regularly scheduled work-week for full-time labor personnel shall be forty (40) hours per week. Overtime will be paid at the rate of time and one-half for all completed hours over eight (8) in one day worked by a full-time labor employee, and for all completed hours over forty (40) in one week worked by any labor employee. Any full-time or benefited part-time labor employees who are called to work from home before or after their regularly scheduled 8-hour workday or 40-hour workweek shall receive a minimum of three (3) hours pay.

Section 3. Clerical Personnel. The basic workweek for full-time clerical personnel shall be thirty-five (35) hours per week. Overtime will be paid at the rate of time and one-half for all completed hours over eight (8) in one day worked by a full-time clerical employee, and for all completed hours over forty (40) in one week worked by any clerical employee. Any full-time or benefited part-time clerical employees who are called to work from home before or after their regularly scheduled hours shall receive a minimum of two (2) hours pay.

Section 4. Library Personnel. Working time for library personnel subject to these Regulations shall be on an hourly basis to be determined by the Library Director or the Library Trustees.

Section 5. Management and Administrative Personnel. The regularly scheduled work week for management and administrative personnel shall be thirty-five (35) hours of work per week, unless otherwise determined on a case-by-case basis by an employee's respective appointing authority. Department heads and management personnel shall work extra hours as may be necessary to accomplish their duties and as customary for their respective positions. Management and administrative personnel, who are classified as exempt employees, shall not receive overtime pay.

## ARTICLE 8 – HIRING PROCEDURES

Section 1. Employment in full-time, benefited part-time, and part-time or seasonal positions subject to these Regulations shall be filled as follows:

- a) Public notification of such vacancy shall be posted on the bulletin in the Town Office Building. Vacancies in full-time and benefited part-time positions shall also be published in at least one newspaper with a local or regional circulation.
- b) Applicants shall submit an application for employment on the Town's approved application form.
- c) Prior employment references shall be sent by the applicant to the hiring authority upon request.
- d) Prospective employees for full-time and benefited part-time positions shall have a pre-employment physical examination by a licensed physician designated by the Town. The department head shall be responsible for arranging the examination at the expense of the Town, and the results shall be in the employee's personnel file. Said medical information shall be confidential to the extent required by federal and state law.
- e) All new employees shall be hired at the minimum salary or rate of the position's classification grade. Exceptions shall be referred to the Personnel Board, which shall consider requests for hiring above the minimum, and may approve such requests at its sole discretion.
- f) All new employees shall be required to serve for a probationary period of six (6) months. A probationary employee may be discharged for any non-discriminatory reason at any time during the probationary period.
- g) The department head or the hiring authority shall notify the Town Administrator, the Town Treasurer, and the Town Accountant and the Personnel Board of the employee hired, the position filled, and the compensation to be paid.

Section 2. Employment in temporary positions subject to these Regulations shall be filled as follows:

- a) The department head or the hiring authority may hire a temporary employee to replace a regular employee who is absent for a period of time, or to fill a vacancy until a regular employee is hired.
- b) The temporary employee shall be paid at no more than the minimum step/rate of the salary schedule under the appropriate title.
- c) The department head or hiring authority shall notify the Town Administrator, the Town Treasurer, and the Town Accountant and the Personnel Board of the temporary employee, the duration of the employment, the reason for the employment, and the compensation to be paid.

Section 3. Employment in emergency positions subject to these Regulations shall be filled as follows:

- a) The department head or hiring authority may hire an emergency employee for the duration of an actual emergency as specified in Article 5, Section 7.
- b) The emergency employee shall be paid the minimum rate or salary of the position's classification grade. Exceptions may be granted by the Personnel Board on a case-by-case basis.
- c) The department head or hiring authority shall notify the Town Administrator, the Town Treasurer, the Town Accountant, and the Personnel Board of the emergency employee, the duration of the employment, the reason for the employment, and the compensation to be paid.

## ARTICLE 9 – CHANGES TO THE CLASSIFICATION AND COMPENSATION PLAN

Section 1. The Classification and Compensation Plan shall be an appendix to these Regulations, and shall state the minimum and maximum range of salaries and approved salaries for all positions in Schedules I and J, and the approved rates of pay (if any) for all other positions and employees in Schedules A through H. Changes to the Classification and Compensation Plan are made by the Personnel Board and are subject to Town Meeting ratification.

Section 2. A department head and/or appointing authority may request the creation of a new position or expansion of an existing position within the specified period provided for as part of the annual budget review and approval process. The request shall be initiated by providing a detailed written justification and a draft position description to the Personnel Board. The exact procedures for submitting and reviewing these requests shall be outlined in the Operating Budget Guidelines distributed each year. Exceptions to this provision may be made by the Board of Selectmen for extraordinary situations.

Section 3. Full-time and Benefited Part-time Employees. Those positions in Compensation Schedules I and J may receive periodic annual cost of living (COLA) increases as jointly authorized by the Personnel Board and Board of Selectmen, subject to Town Meeting appropriation. Those positions in Compensation Schedules I and J may also receive merit based increases subject to the provisions of Article 21 of these Regulations.

Section 4. Part-time, Temporary, Seasonal, and Emergency Employees. Those positions in Compensation Schedules A, B, C, & E may receive periodic annual cost of living (COLA) or rate adjustment increases as jointly authorized by the Personnel Board and Board of Selectmen, subject to Town Meeting appropriation.

Section 5. Senior Department Heads and Managers. Those positions in Compensation Schedule D may receive merit based increases as determined by their respective appointing authorities, subject to Town Meeting appropriation.

Section 6. Full-time Elected Officials in Compensation Schedule F may receive periodic annual cost of living (COLA) increases, subject to Town Meeting appropriation.

Section 7. Paid and Unpaid Appointed and Elected Town Officials and Boards in Compensation Schedules E, F, G & H will be paid \$18 per hour for court time served, with prior approval of the Town Administrator.

## ARTICLE 10 – TRANSFERS AND PROMOTIONS

Section 1. Whenever an employee subject to these Regulations is transferred or promoted, the employee's compensation shall be determined as follows:

- a) In the case of transfer to a position in the same classification grade, the employee shall transfer without change of salary/rate, unless otherwise recommended and requested by the department head, and approved by the Personnel Board and the Board of Selectmen.
- b) In the case of promotion and/or reclassification to a position in a higher classification grade, the employee shall enter the new position at the minimum salary/rate of the new grade or at the salary/rate of the previous grade, whichever is higher, unless otherwise recommended and requested by the department head, and approved by the Personnel Board and the Board of Selectmen.
- c) In case of transfer and/or reclassification to a position in a lower classification grade, the employee shall be transferred at a salary/rate recommended by the department head and approved by the Personnel Board, within the limits of the relevant grade of the Classification and Compensation Plan. The employee may appeal the decision pursuant to the grievance procedures in Article 20 of these Regulations.
- d) Upon transfer to a different town department, the employee shall transfer without loss of earned benefits or accumulated service time. The salary/rate of pay shall be recommended by the new department head or appointing authority and set by the Personnel Board, within the relevant grade of the Classification and Compensation Plan.

## ARTICLE 11 – HOLIDAYS

Section 1. Full-time employees subject to these Regulations shall receive their usual straight time pay, whether on vacation or not, for each of the twelve (12) holidays listed below. Benefited part-time employees shall receive a pro-rata amount, whether on vacation or not, only if the holiday falls on their normal workday.

Section 2. Part-time, temporary, seasonal, and emergency employees shall not be granted paid holidays.

Section 3. The twelve (12) paid holidays are:

- New Year's Day
- Martin Luther King Jr. Day



- Presidents' Day
- Patriots' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- The day after Thanksgiving
- Christmas Day

Section 4. The qualifications for receiving a holiday or holiday pay are:

- a) An employee, if not on vacation, shall have worked the regularly scheduled workday proceeding the holiday or shall work on the regularly scheduled workday following the holiday.
- b) An employee called from home to work on a holiday shall receive pay at time and one-half for hours actually worked in addition to their normal holiday pay for that day.

## ARTICLE 12 – VACATIONS

Section 1. Full-time and benefited part-time employees shall be entitled to the following vacation benefits:

<u>Duration of Employment</u>	<u>Paid Vacation Time at Anniversary Date</u>
After one year	5 vacation days (at .42 days earned per month)
Two years - four years	10 vacation days (at .83 days earned per month)
Five years - nine years	15 vacation days (at 1.25 days earned per month)
Ten years - fifteen years	20 vacation days (at 1.67 days earned per month)
Sixteen years or more	1 additional day for each additional year up to a maximum of 25 vacation days

Section 2. Part-time, temporary, seasonal, and emergency employees shall receive neither vacation nor vacation pay.

Section 3. Vacation shall be taken at the employee's convenience, but subject to the department head's or appointing authority's approval based on the need to maintain departmental operating efficiency. The department head shall announce vacation dates no later than March 1<sup>st</sup> of the current year.

Section 4. Vacation pay shall be based on the normal weekly hours of employment (exclusive of overtime) at the pay rate at the time the vacation is granted. The number of hours in a vacation day for

benefited part-time employees shall be pro-rated and equal to the number of hours normally worked on a weekly basis, divided by the number of days normally worked on a weekly basis. Any dispute regarding the computation of vacation pay shall be referred to the Town Treasurer and the Town Accountant for a joint determination, and shall be subject to the grievance procedures of Article 20.

Section 5. Vacation time shall not be accumulated unless approved by the department head or appointing authority. It shall be taken during the year earned, based on anniversary. Subject to the approval of the department head or appointing authority, employees may carry over up to five (5) days of vacation time into the following year.

Section 6. An employee intending to be absent from work when so required by the employee's creed or religion shall notify the employee's department head at least ten (10) days in advance of each absence. Such absence shall be unpaid, or wherever practicable in the judgement of the employee's department head, the employee shall be paid and shall make up an equivalent amount of time at some other mutually convenient time, but not more than thirty (30) days after the date of such absence. In the alternative to an unpaid day or make up time, the employee may elect to use a paid vacation day.

Section 7. No compensation shall be given in lieu of vacation time except to eligible employees who are unable to take the vacation time because of the following:

- a) The employee is terminated.
- b) The employee resigns.
- c) The employee retires.
- d) The employee enlists or is inducted into the Armed Forces.
- e) The employee dies (payment shall be made to the employee's estate).

Section 8. Under the terms of employment a department head or appointing authority may recommend at the time of hire that a prospective employee be granted vacation entitlement at the time of hire commensurate with his/her previous work experience. The Personnel Board must approve such requests.

### ARTICLE 13 – PAID SICK LEAVE

Section 1. Full-time and benefited part-time employees shall be entitled to sick leave. Full-time employees shall earn one (1) work day with pay for each four (4) weeks of employment, up to a maximum of thirteen (13) sick days per year. Sick leave pay for full-time employees shall be straight time pay, exclusive of overtime. Sick leave pay for benefited part-time employees shall be earned at the pro-rated amount of one (1) work day for each one hundred and forty (140) hours of employment (up to a maximum of thirteen (13) sick days per year), and the length of the sick day shall be equal to the number of hours normally worked on a weekly basis, divided by the number of days normally worked on a weekly basis. Two (2) personal days per year may be taken as paid sick days with the permission of the department head or appointing authority.

Section 2. Accrual of sick leave days shall commence with the first day of full-time or benefited part-time employment. Part-time, temporary, seasonal, and emergency employees shall accrue no paid sick leave.

Section 3. In order to receive sick pay for an absence, the employee must notify the department head or appointing authority no later than the start of the workday. Sick leave shall be payable only in cases of bona fide illness or non-work accident. Sick leave taken for four (4) or more consecutive workdays shall be certified by a licensed physician on the standard forms provided by the Town.

Section 4. Abuse of sick leave privileges shall constitute grounds for disciplinary action.

Section 5. Each employee may accrue sick leave up to one hundred eighty (180) days. Upon death or retirement, full-time and benefited part-time employees shall receive ten (\$10.00) for each unused sick day earned prior to June 30, 2001. Up to 75 days of sick leave accrued after July 1, 2001, may be sold back to the Town at the time of the employee's retirement or death at the rate of pay in effect on their last working day. (*BOS vote – 11/01/06*)

Section 6. The department head shall maintain a record of each employee's sick leave accumulation for the employee, and shall on an annual basis provide a copy of the records to the Town Treasurer, the Town Accountant, and the Personnel Board.

#### ARTICLE 14 – TEMPORARY LEAVE OF ABSENCE WITH PAY

Section 1. Full-time and benefited part-time employees are eligible for a temporary leave of absence (meaning and limited to bereavement leave, jury duty leave, and military reserve- National Guard leave) with straight time pay for workdays missed. Such pay for benefited part-time employees shall be pro-rated as defined in Article 13, Section 1.

Section 2. Part-time, temporary, seasonal, and emergency employees are not eligible for a temporary leave of absence with pay.

Section 3. A temporary leave of absence from work shall be granted by the department head or appointing authority for a specific period of time and for a specific reason. During temporary leave of absence an employee shall accrue service time, vacation time, and paid sick leave. Group insurance coverage shall continue for the duration of the leave.

Section 4. Temporary leaves of absences shall be granted for the following:

- a) Bereavement Leave. An employee shall be entitled to a maximum of four (4) work days leave with pay in the event of a death in the immediate family (parent, step-parent, spouse, child, step-child, brother, sister, father-in-law, mother-in-law or grandparent). Bereavement leave may be granted within the sole discretion of the department head upon the death of other family members.
- b) Jury Duty Leave. An employee called to jury duty shall be entitled to pay minus the amount of any jury fees received. The paid leave shall extend for the duration of the jury

duty. An employee who performs jury duty for only a portion of the workday shall be expected to report to work when excused or released by the court.

- c) Military Reserve or National Guard Leave. An employee shall be entitled to leave in accordance with Massachusetts and Federal law to fulfill an obligation in the military reserve or National Guard. Such leave shall be with pay, less the amount of military compensation received by the employee. It is the employee's option, with the approval of the department head and the Personnel Board, to use vacation days for such leave with no deduction for the amount of military compensation.
- d) Massachusetts Family and Medical Leave. An eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period, in addition to leave under the federal act, for the purposes set forth in G.L. c. 149, § 52D.

## ARTICLE 15 – EXTENDED LEAVE OF ABSENCE WITHOUT PAY

Section 1. Employees who have worked at least 1,250 hours in the past 12-months shall be entitled to family and medical leave allowed under the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. 2601 et seq.

Section 2. A female employee who meets the eligibility requirements of G.L. c. 149, § 105D shall be entitled to maternity leave.

Section 3. Full-time and benefited part-time employees who have been employed for six (6) months or more are eligible for an extended leave of absence without pay for military and personal leave under Section 7 of this article.

Section 4. Except as may be otherwise provided in Section 1, part-time, temporary, seasonal, and emergency employees are not eligible for an extended leave of absence without pay.

Section 5. The Personnel Board in conjunction with the department head or appointing authority may grant an extended leave of absence from work for a specific period of time and for a specific reason. The decision of the Personnel Board shall be final and binding.

Section 6. The employee granted an extended leave of absence must give the department head or appointing authority two (2) weeks notice of the departure date and expected return date. No sick leave or vacation time shall be earned while the employee is on leave. Unless otherwise defined by law, service time shall continue to accrue for the duration of the leave if the employee intends to return to work at the end of the leave. At the termination of the leave, the employee shall return to the job classification and rate of pay held previously. Failure to return to work at the expiration of the leave shall be considered as and constitute a resignation.

Section 7. Extended leaves of absence may be granted for the following:

- a) Family or Medical Leave. Family or medical leave shall be granted subject to the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. 2601 et seq., and regulation promulgated thereunder.

- b) Military Leave. An employee who is inducted or enlists in any branch of the armed forces of the United States or National Guard and is called to active duty by the federal or state government shall be granted a military leave of absence without pay up to the maximum amount of time allowed for military leave by federal or state law. At the end of said military service, the employee must apply for re-employment within ninety (90) calendar days. All group insurance benefits shall be discontinued for the length of the military leave.
- c) Personal Leave. An employee may request a personal leave of absence without pay to a maximum of two (2) months. All group insurance benefits shall continue for the length of the personal leave if 100% of the premium payments are kept current by the employee.

## ARTICLE 16 – INSURANCE AND RETIREMENT

Section 1. Industrial Accident Insurance. All employees covered by the Regulations, except police and voluntary firemen, shall be covered by an industrial accident insurance policy purchased by the Town, which meets the requirements of the Workers Compensation Act of Massachusetts or a self-insurance plan with similar benefits. In order to receive compensation for a job related accident, the employee must notify the department head within forty-eight (48) hours of its occurrence. The Town shall pay 100% of Workers Compensation coverage.

Section 2. Health Insurance. Full-time and benefited part-time employees who work a minimum of twenty (20) hours per week throughout the year shall be eligible to participate, with either single or family coverage, in any group health insurance or health maintenance organization offered by the Town. The Town shall pay 75% of the premiums for group insurance. Employee contributions to insurance shall be deducted periodically by the Treasurer in accordance with Town policy.

Section 3. Life Insurance. Full-time and benefited part-time employees who work a minimum of twenty (20) hours per week and library employees who work a minimum of twenty (20) hours per week throughout the year shall be eligible for the Town's life insurance policy. The Town shall pay 75% of the premiums for the (1) \$4,000 life insurance for eligible active employees and (2) \$4,000 life insurance for eligible retired employees. Employee contributions to insurance shall be deducted periodically by the Treasurer in accordance with Town policy.

Section 4. State Unemployment Insurance. The Town shall pay 100% of state unemployment insurance.

Section 5. Retirement Plan. Full-time, benefited part-time, and library employees who work a minimum of twenty (20) hours per week throughout the year shall be eligible for, and shall contribute to, the Town's pension plan as specified in M.G.L. Chapter 32, and as administered through the Essex Regional Retirement System. Employees hired after January 1, 1975, shall contribute 7% of their regular compensation to this; those hired previously, whether on active or inactive service, shall continue to contribute 5%. Those hired after 1978 and making more than \$30,000, an additional 2% (7% plus 2%) must be taken out. Those hired since 1984, 8% is deducted (8% plus 2% for over \$30,000). Those hired since 7/1/96, 9% is deducted (9% plus 2% for over \$30,000). Employee contributions to the retirement fund shall be deducted periodically by the Treasurer in accordance with Town policy.

## ARTICLE 17 – ITEMIZED DEDUCTIONS (PAYROLL)

Section 1. The Employee's weekly payroll check shall be accompanied by an itemized listing of deductions.

## ARTICLE 18 – TRAINING PROGRAMS

Section 1. Employees may be required to participate in training or certification programs to meet job requirements. Such employees shall be reimbursed for those necessary and reasonable expenses of such programs, provided the expenses are approved in advance by the department head or appointing authority.

## ARTICLE 19 – SEPARATION FROM EMPLOYMENT

Section 1. Retirement is a permanent separation from Town employment and shall be governed by the provisions of M.G.L Chapter 32 and the policies of the Essex Regional Retirement System. Written notification of intention to retire shall be given by the employee to the department head at least two (2) weeks prior to the date of the intended retirement. The department head shall notify the Town Administrator, the Town Accountant, the Town Treasurer, and the Personnel Board of the employee's retirement.

Section 2. Resignation is a voluntary and permanent separation initiated by the employee. Written notification of intention to resign shall be given by the employee to the department head at least two (2) weeks prior to the date of the intended resignation. The department head shall notify the Town Administrator, the Town Accountant, the Town Treasurer, and the Personnel Board of the employee's resignation.

Section 3. Termination is a permanent separation initiated by the department head and/or the appointing authority. Except as otherwise provided in the Town Charter, Chapter 242 of the Acts of 1959, an employee may not be terminated without just cause after the six (6) month probationary period. The department head and/or appointing authority shall notify the Town Administrator, the Town Accountant, the Town Treasurer, and the Personnel Board of the employee's termination. The terminated employee shall be entitled to file a grievance pursuant to Article 20 of these Regulations within ten (10) working days after the date of termination.

Section 4. Probationary Termination is termination of employment under the provisions of Article 8, Section 1, subsection f.

## ARTICLE 20 – GRIEVANCE PROCEDURES

Section 1. A "grievance" is any complaint or dispute concerning the interpretation, application, compliance, enforcement, meaning, or violation of these Regulations. All formal grievances shall be in writing and/or on a standard grievance form and shall specify the portion of the Regulations in question.

The resolution of the grievance shall be final and binding on the parties involved, unless the employee is subject to a collective bargaining agreement which provides for further appeals.

Section 2. The purpose of the grievance procedures is to provide fair and equitable resolutions to problems that may arise affecting the welfare and/or working conditions of the employees of the Town who are subject to the Regulations.

Section 3. Grievances shall be settled as follows:

Step 1. Prior to filing a formal grievance, the employee should discuss the grievance informally with the employee's supervisor or department head. If the grievance cannot be resolved immediately, the employee may proceed to Step 2.

Step 2. The grievance shall be presented in writing by the employee to the employee's supervisor or department head within five (5) working days of the occurrence leading to the grievance. The employee's supervisor or department head shall attempt to resolve the grievance and shall give a decision in writing within five (5) working days of receipt of the complaint.

Step 3. If the grievance is not resolved by Step 2, it shall be presented in writing by the employee to the Town Administrator within five (5) working days after receipt of the supervisor's or department head's decision. The Town Administrator shall attempt to resolve the grievance and shall give a decision in writing within five (5) working days of receipt of the complaint.

Step 4. If the grievance is not resolved by Step 3, it shall be presented in writing by the employee to the Personnel Board within five (5) working days after receipt of the Town Administrator's decision. The Board shall attempt to resolve the grievance by a meeting with the employee, the employee's supervisor, the department head, and the Town Administrator within ten (10) working days after receipt of the complaint. The Board shall give a decision in writing within ten (10) working days after the meeting. The decision of the Board shall be final and binding, unless the employee is subject to a collective bargaining agreement which provides for further appeals.

Section 4. A department head may initiate a grievance at Step 3.

## ARTICLE 21 – ANNUAL PERFORMANCE REVIEW PROCEDURES

Section 1. Eligibility and Timing. All full-time and benefited part-time personnel whose positions are listed in Schedules I and J, and who have at least six (6) months time in position as of the date the process is initiated each year, shall receive a written annual performance review. The annual performance review process shall be conducted once each year during the months of June, July, and August, and shall be initiated by the Town Administrator through the distribution of forms and instructions.

Section 2. Responsibility for Conducting Performance Reviews. Department heads and committee chairs, or their designees, shall be responsible for conducting the annual performance review interviews and for completing the performance review forms for all eligible employees under their supervision.

Department heads and committee chairs may also at their discretion conduct additional interim performance appraisals at anytime throughout the year. Interim appraisals shall be conducted for the purpose of providing formal performance feedback, but shall not result in additional compensation. New employees in Schedule I & J positions should receive a performance appraisal before the end of their 6-month probationary period.

Section 3. Performance Review Forms. All employee performance reviews shall be documented on the Town's official Annual Performance Review form. The forms shall be filled out accurately and completely, and must be signed by the reviewer and the employee. Incomplete forms shall be returned to the reviewer for completion in a timely fashion. Failure to meet the deadlines and/or requirements of the process may result in the employee not receiving a merit increase for that year. Employees shall receive a copy of their completed review form at the time of their annual performance interview. A copy of each performance review form shall also be retained in the employee's confidential personnel file. Copies of an employee's current and past performance reviews will be made available to the employee upon request.

Section 4. Recommendations for Merit Pay Increases. At the conclusion of the employee's annual performance review, the reviewer may recommend a merit pay increase within the guidelines stipulated in the performance review process instructions for that year. Recommendations for increases shall be documented on the performance review form and submitted to the Personnel Board through the Town Administrator for its review and consideration.

Section 5. Responsibility of the Personnel Board. The Personnel Board shall be responsible for reviewing and considering all employee performance reviews for relevance, fairness, reasonableness, consistency, and completeness. The Personnel Board shall determine all merit pay increases, and recommend them to the Board of Selectmen, based on the following combination of factors:

- a) The availability of funds;
- b) The recommendations of the reviewers;
- c) Input from the Town Administrator;
- d) The significance of achievements in relation to the duties of the respective positions;
- e) The performance ratings of each individual employee in relation and comparative to the ratings of other employees;
- f) Other supporting documentation (e.g., letters of praise, citizen feedback, etc.);
- g) And other factors that support fair and accurate assessments.

Section 6. Role of the Board of Selectmen. The Board of Selectmen shall review and ratify the merit pay recommendations of the Personnel Board, and shall forward its approved merit increases to the Town Accountant for posting to the respective accounts. The Board of Selectmen shall also be responsible for hearing and providing the final determination on any performance review protests.

Section 7. Performance Review Protest Procedure. Any employee who disagrees with any part of his/her annual performance review may protest in the sequential order listed below. However, the protest



may only proceed to steps “c” and/or “d” if the issue has not been satisfactorily addressed or resolved in the preceding step, and with the agreement of both parties.

- a) State the reasons for disagreement on the Performance Review form, and/or attach a written rebuttal to the form;
- b) Discuss the substance of the review and/or issues of disagreement with the reviewer;
- c) Request an audience with the Personnel Board to discuss the substance of the review and/or issues of disagreement;
- d) Request an audience with the Board of Selectmen to discuss the substance of the review and/or issues of disagreement. The decision of the Board of Selectmen shall be final and binding.

#### ARTICLE 22 – SEPARABILITY AND SUBORDINATION PROVISION

Section 1. If any provision of these Regulations is or becomes invalid by reason of State or Federal law, Town By-law, or court decision, the validity of other provisions shall not be affected.

Section 2. If any provision of these Regulations conflicts with any State or Federal law, Town By-law, or court decision, that provision shall be subordinate thereto so long as the conflict remains.

#### ARTICLE 23 – AMENDMENTS TO THE REGULATIONS

Section 1. The Personnel Board may adopt or amend its regulations in accordance with Chapter 5, Section 5 of the Rockport Code of By-laws.